

Janet Napolitano
Governor

Christina M. Sorenson, O.D.
President

Caroline Griego, O.D.
Vice President



Arizona State Board of Optometry
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Margaret Whelan
Executive Director

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DRAFT MINUTES FOR REGULAR SESSION MEETING: SEPTEMBER 21, 2007

Board Members

Christina M. Sorenson, O.D., President
Caroline Griego, O.D., Vice-President
Robert B. Pinkert, O.D.
Robert J. Maynard, O.D.
Curtis R. Winkler, M.D.
Melissa Bengtson, Public Member

Staff:

Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

Legal Counsel:

Elizabeth Campbell, Assistant Attorney General

A. CALL TO ORDER: Dr. Sorenson

Dr. Sorenson called the meeting to order at 9:10 a.m

B. ROLL CALL: Ms. Hollins

Board Members Present: Christina M. Sorenson, O.D., President
Caroline Griego, O.D., Vice President
Robert B. Pinkert, O.D.
Curtis R. Winkler, M.D.

Board Members Absent: Robert J. Maynard, O.D.
Melissa Bengtson, Public Member

Legal Counsel Present: Elizabeth Campbell, Assistant Attorney General

Staff Present: Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

C. PRESIDENT'S REPORT: Dr. Sorenson

None

THESE MINUTES ARE IN DRAFT FORM AND HAVE NOT BEEN APPROVED BY THE BOARD.

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Requests should be made as early as possible to allow time to arrange the accommodation

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D. REVIEW, DISCUSSION AND VOTE ON INVESTIGATIVE REVIEWS/COMPLAINTS:

1. D.C. vs. Nicholas Kowalczyk, O.D. IR#200723

Allegation: Patient did not receive prescription for eyeglasses/contact lenses.

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Pinkert moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X			X	X	X
NO	0						
ABSTAIN	0						
ABSENT	2		X	X			

VOTE: Motion passed 4-0.

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2. M.R. vs. Stuart Adams, O.D. IR#200801

Allegation: Eyes seriously injured/optometrist failed or refused to correct problem

Dr. Sorenson summarized the case to the Board.

MOTION: Dr. Pinkert moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Griego seconded the motion.

VOTE: Motion failed 0-4.

SECOND MOTION: Dr. Winkler moved to send case to informal interview for the purposes of acquiring further information from the doctor on this patient and reviewing records and co-management of patient. Dr. Pinkert seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X			X	X	X

NO	0						
ABSTAIN	0						
ABSENT	2		X	X			

VOTE: Motion passed 4-0.

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3. L.P. vs. Douglas Miner, O.D. IR#200802

Allegation: Dr. refused to fill out paperwork for insurance

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Pinkert moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X			X	X	X
NO	0						
ABSTAIN	0						
ABSENT	2		X	X			

VOTE: Motion passed 4-0.

4. A.R. vs. Susan Horeak, O.D. IR#200803

Allegation: Refusal to give copy of prescription

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Winkler moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Pinkert seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X			X	X	X
NO	0						
ABSTAIN	0						
ABSENT	2		X	X			

VOTE: Motion passed 4-0.

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5. ASBOO vs. Stuart Bark, O.D.

IR#200804

Allegation: Improper correction/fit of eyeglasses

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Pinkert moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X			X	X	X
NO	0						
ABSTAIN	0						
ABSENT	2		X	X			

VOTE: Motion passed 4-0.

6. W.W. vs. Richard O'Heren, O.D.

IR#200805

Allegation: Improper correction/fit of eyeglasses

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Winkler moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Pinkert seconded the motion.

THESE MINUTES ARE IN DRAFT FORM AND HAVE NOT BEEN APPROVED BY THE BOARD.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X			X	X	X
NO	0						
ABSTAIN	0						
ABSENT	2		X	X			

VOTE: Motion passed 4-0.

7. W.W. vs. James Richardson, O.D.

IR#200806

THESE MINUTES ARE IN DRAFT FORM AND HAVE NOT BEEN APPROVED BY THE BOARD.

Allegation: Improper correction/fit of eyeglasses

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Winkler moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Pinkert seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X			X	X	X
NO	0						
ABSTAIN	0						
ABSENT	2		X	X			

VOTE: Motion passed 4-0.

8. L.G. vs. Michael DeRubeis, O.D.

IR#200807

Allegation: Improper correction/fit of eyeglasses, Deceptive advertising

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Pinkert moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Griego seconded the motion.

THESE MINUTES ARE IN DRAFT FORM AND HAVE NOT BEEN APPROVED BY THE BOARD.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X			X	X	X
NO	0						
ABSTAIN	0						
ABSENT	2		X	X			

VOTE: Motion passed 4-0.

9. D. B. vs. James McPhelan, O.D.

IR#200808

Allegation: Inappropriate conduct during examination.

THESE MINUTES ARE IN DRAFT FORM AND HAVE NOT BEEN APPROVED BY THE BOARD.

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Pinkert moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Melissa Bengtson, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X			X	X	X
NO	0						
ABSTAIN	0						
ABSENT	2		X	X			

VOTE: Motion passed 4-0.

E. REVIEW, DISCUSSION AND VOTE ON SELF REPORT PURSUANT TO A.R.S. §32-3208:

10. David J. Anderson, O.D.

Board went into executive session at 9:15 a.m.

Board reconvened regular session at 9:26 a.m.

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MOTION: Dr. Pinkert moved not to open a complaint at this time. Dr. Griego seconded the motion.

VOTE: Motion passed 4-0.

F. REVIEW, DISCUSSION AND POSSIBLE ACTION ON PENDING REGULAR LICENSE APPLICATIONS:

11. Bhaga, Sheetal
12. Bundy, Jonathan
13. Caliskanalp, Nevzat
14. Chacon, Francisco
15. Charoenchote, Wanwalee
16. Drake, Cameran
17. Drake, Jenni
18. Havens, Erin
19. Hoxie, Clint
20. Lee, Theresa
21. Morasch, Jeanine

- 22. Schoppe, Brent
- 23. Singer, Edward
- 24. Singleton, Sarah
- 25. Stotler, Monica
- 26. Wyckoff, Karen

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MOTION: Dr. Pinkert moved to approve items 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, and 26 for licensure. Dr. Sorenson seconded the motion.

VOTE: Motion passed 4-0.

MOTION: Dr. Griego moved to approve item 13 for licensure. Dr. Pinkert seconded the motion.

VOTE: Motion passed 4-0.

MOTION: Dr. Winkler moved to approve item 22 for licensure. Dr. Sorenson seconded the motion.

VOTE: Motion passed 4-0.

MOTION: Dr. Pinkert moved to deny item 23 for licensure. Dr. Sorenson seconded the motion.

VOTE: Motion failed 1-3.

SECOND MOTION: Dr. Pinkert moved to allow item 23 to withdraw the application within 30 days. After 30 days if not withdrawn, application is automatically denied. Dr. Griego seconded the motion.

VOTE: Motion passed 3-0. 1 abstention. Dr. Winkler abstained.

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G. REVIEW, DISCUSSION AND POSSIBLE ACTION ON PENDING ENDORSEMENT APPLICATIONS:

- 27. Finlay, Robert

MOTION: Dr. Pinkert moved to approve item 27 for licensure. Dr. Sorenson seconded the motion.

VOTE: Motion passed 4-0.

- 28. Kutinsky, Harvey

MOTION: Dr. Pinkert moved to approve item 28 for licensure. Dr. Griego seconded the motion.

VOTE: Motion passed 4-0.

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29. Schore, Donald

MOTION: Dr. Griego moved to approve item 29 for licensure. Dr. Sorenson seconded the motion.

VOTE: Motion passed 4-0.

H. REVIEW, DISCUSSION AND POSSIBLE VOTE ON PENDING LICENSE RENEWAL APPLICATIONS:

30. Kevin Rowe, O.D.

MOTION: Dr. Pinkert moved to approve item 30 for license renewal without action. Dr. Sorenson seconded the motion.

VOTE: Motion passed 4-0.

I. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. §32-1704(D) and A.A.C. R4-21-208:

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Fiscal Year 2008

	Continuing Education	Date	No. of hours requested
a.	College of Optometrists in Vision Development	October 15-20, 2007	56 Regular
b.	Chronic Ocular Inflammation II	August 9, 2007	2 Regular
c.	Gulf Coast Summer Conference (AOA)	July 27-28, 2007	8 Regular
d.	FOA Annual Convention	July 12-15, 2007	8 Regular
e.	CAOS	August 28, 2007	3 Regular
f.	Alumni Reunion Weekend	October 13-14, 2007	13 Regular
g.	Glaucoma & Cataract Update 2007	September 11, 2007	2 Regular
h.	Resident Case Presentations	May 8, 2007	2 Regular
i.	Southwestern Eye Center Retina CE Seminar	October 16, 2007	2 Regular
j.	Management of Glaucoma in the Cataract Patient	December 4, 2007	1 Regular
k.	Risk Management in Optometry	Various Dates	2 Regular 4 PM
l.	2007 GWCO Congress	October 11-14, 2007	68.5 Regular

MOTION: Dr. Sorenson moved to accept items a, b, c, d, e, f, h, i, j, l,. Dr. Pinkert seconded the motion.

VOTE: The motion passed 3-0. 1 abstention. Dr. Winkler abstained.

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MOTION: Dr. Pinkert moved to table items g and k contingent upon additional, more detailed course outlines. Dr. Sorenson seconded the motion.

VOTE: The motion passed 3-0. 1 abstention. Dr. Winkler abstained.

J. REVIEW, DISCUSSION AND POSSIBLE VOTE ON POSSIBLE FUTURE AGENDA ITEMS:

31. Request by Chic Older to be placed on an agenda to discuss the term "Medical Optometrist" as used in practice by licensed optometrists.

MOTION: Dr. Pinkert moved to put discussion of the term "Medical Optometrist" on a future agenda. Dr. Winkler seconded the motion.

VOTE: Motion passed 4-0.

32. Request by Doctor and Andria Kowalczyk to be placed on an agenda to discuss issues relating to consent agreements, certified mail return receipts and complaint files.

MOTION: Dr. Pinkert moved to deny Doctor and Andria Kowalczyk for a future agenda item at this time. Dr. Winkler seconded the motion.

VOTE: Motion passed 3-0. 1 abstention. Dr. Winkler abstained.

K. REVIEW AND DISCUSSION OF CORRESPONDENCE RECEIVED FROM DR. NICHOLAS AND ANDRIA KOWALCZYK:

33. Faxes to the Board members dated June 6, 2007 through August 20, 2007

Board went into executive session at 9:49 a.m.
Board reconvened regular session at 10:00 a.m.

The Board reviewed and discussed the information that was received took no action.

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L. REVIEW, DISCUSSION AND POSSIBLE VOTE ON REQUEST FROM THE COUNCIL ON OPTOMETRIC PRACTITIONER EDUCATION (COPE) FOR APPROVAL OF COURSE REVIEWER:

34. COPE Letter dated August 6, 2007, Stephen Spencer, O.D.

MOTION: Dr. Sorenson moved to approve Dr. Spencer as a COPE reviewer. Dr. Pinkert seconded the motion.

VOTE: Motion passed 4-0.

M. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING RECONSIDERATION OF REFERRAL TO FORMAL HEARING AND REVIEW OF EVALUATION BY BOARD APPOINTED PSYCHOLOGIST:

35. Vincent G. Sanchez, O.D., IR#200422

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MOTION: Dr. Griego moved to rescind formal hearing. Dr. Pinkert seconded the motion.

VOTE: Motion passed 4-0.

Board went into executive session at 11:07 a.m.

Board reconvened regular session at 11:26 a.m.

MOTION: Dr. Pinkert moved to table until clearance is received from Psychiatrist. Dr. Winkler seconded the motion.

VOTE: Motion passed 4-0.

N. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING HB2249:

Child support enforcement bill: Ms. Campbell discussed the Board's role in reporting pursuant to the bill and potential disciplinary actions against a licensee under this bill.

O. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES:

36. July 10, 2007 Regular Session Minutes

37. July 10, 2007 Executive Session Minutes

MOTION: Dr. Pinkert moved to approve tab 36 and 37 as written. Dr. Sorenson seconded the motion.

VOTE: Motion passed 4-0.

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P. ELECTION OF OFFICERS PURSUANT TO THE PROVISIONS OF A.R.S. §32-1703(A):

The Board tabled until next meeting.

EXECUTIVE DIRECTOR'S REPORT:

38. Budget

39. Legislation

40. Rules

41. FARB Conference

Ms. Whelan reported on tabs 38 thru 41 inclusive.

Q. CALL TO PUBLIC:

Dr. Sorenson

Dr. Sorenson made a call to the public at 11.50 p.m. No one addressed the Board.

Dr. Pinkert moved to adjourn the meeting at 11:51 p.m. Dr. Sorenson seconded the motion.

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Meeting adjourned at 11:51 p.m.

END OF MINUTES:

Margaret Whelan, Executive Director

Date